

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ERIC MURDOCK, :
Plaintiff :
: : No. 1:20-cv-2138
v. : :
: : (Judge Rambo)
GENE BROWN, et al., :
Defendants :
:

ORDER

AND NOW, on this 19th day of July 2022, upon consideration of Defendants' motion for summary judgment (Doc. No. 44), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Defendants' motion for summary judgment (Doc. No. 44) is **GRANTED** in part and **DENIED** in part as follows:
 - a. Defendants' motion is **GRANTED** as to Plaintiff's 42 U.S.C. § 1983 claims for monetary damages against Defendants in their official capacities;
 - b. Defendants' motion is **GRANTED** as to Plaintiff's § 1983 claims against Defendants Marsh and Dunn due to lack of personal involvement in the asserted wrongdoing;
 - c. Defendants' motion is **GRANTED** as to Plaintiff's Fourth Amendment claim, Fifth Amendment claim, and Fourteenth Amendment claims;
 - d. Defendants' motion is **GRANTED** as to Plaintiff's Monell claims;
 - e. Defendants' motion is **GRANTED** as to Plaintiff's claim for monetary damages under the Pennsylvania Constitution;

- f. Defendants' motion is **DENIED** as to Plaintiff's Eighth Amendment failure-to-protect claim against Defendants Ross, Terra, and Rininger;
- g. Defendants' motion is **DENIED** as to Plaintiff's § 1983 claims for prospective injunctive relief against Defendants in their official capacities;
- h. Defendants' motion is **DENIED** as to Plaintiff's alleged failure to exhaust his request for monetary relief;
- i. Defendants' motion is **DENIED** as to Plaintiff's claim for prospective injunctive relief under the Pennsylvania Constitution; and

2. The parties shall file a joint status report on or before **August 19, 2022**, informing the Court as to whether they are amenable to having this case referred to the Court's Prisoner Litigation Settlement Program.

s/ Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge